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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 96-059-C1	
	Application Number 09/694191	Filed October 23, 2000	
	First Named Inventor Walker et al.		
	Art Unit 3621	Examiner BACKER, Firmin	

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 50,252

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34


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October 24, 2006
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

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R E M A R K S

A. INTRODUCTION

Claims 15, 18, 26-32, and 34-42 are pending and rejected.

Claims 15, 18 and 35-37 are the only independent claims.

Claims 1-14, 16, 17, 19-25, and 33 were previously cancelled.

B. SECTION 102(E) REJECTIONS

Claims 35-42 stand rejected as anticipated by Zampese (U.S. Patent No. 6014650). We traverse the Examiner's rejection.

1. Zampese

Zampese describes a system in which a "unique account identifier" and a "unique set of secret transaction codes, each secret transaction code to be used once and only once for a single purchase with that transaction identifier so that each purchase is verified by an account identifier and a secret transaction...." Column 1, lines 59-66. As we understand Zampese, to make a purchase a purchaser must submit both (1) the unique account identifier and (2) one of the secret transaction codes: "a purchase request from a purchaser includes the purchaser's account code and a transaction code...." Column 2, lines 22-25. In other words, the account code cannot be used alone without the transaction code, or vice versa: every request must include both.

2. No teaching or suggestion of in which the credit card number has the same number of digits as the account number

Each of independent Claims 35-37 recites a feature generally directed to *in which the credit card number has the same number of digits as the account number*. Zampese does not teach or suggest a credit card number that is for use in place of an account number yet has the same number of digits as the account number, as recited in Claims 35-37. The Examiner asserts that a "single-use credit card number" is taught by "*purchasers code and transaction code, 32*". [Office Action, page 2]. Accordingly, based on the Examiner's own interpretation, Zampese does not teach or suggest the recited *credit card number* having the same number of digits as the *account number* it is for use in place of.

The Examiner asserts: "Zampese further teach a system in which the credit card number has the same number of digits as the account number (*see column 1 line 20-35*)." [Office Action, page 3]. The cited portion of Zampese (or any other portion) cannot support the Examiner's finding. The cited portion is:

One problem with this method of conducting commerce is the exchange of currency. If the purchaser is forced to send money in the form of a bank check to the retailer, the speed advantage of order processing via the internet is lost. On the other hand, by its nature, the internet is not a secure communication channel and thus, although some retailers allow the purchase of goods and services using a credit card, it is relatively easy for unauthorized people to steal the purchaser's credit card number and then make unauthorized purchases. And, encryption techniques which attempt to prevent such unauthorized uses of private data including credit card account numbers have been less than successful. In addition, these encryption techniques hamper the goals of fast and convenient commerce conducted over the internet.

We do not see any suggestion in this text that would suggest the claimed feature of *in which the credit card number has the same number of digits as the account number* was known or even desirable. Further, the cited portion, even if it did suggest such subject matter, is clearly disparaging of what is being described and would teach away from modifying the Zampese system to incorporate the described features.

Accordingly, we submit that the Examiner has not established a prima facie case of anticipation and that Claims 35-37 (and dependent Claims 38-42) are allowable over Zampese.

C. SECTION 103(A) REJECTIONS

Claims 15, 18, 26-32, and 34 stand rejected as obvious over Zampese (U.S. Patent No. 6014650) and Bezos (U.S. Patent No. 5727163). We traverse the Examiner's rejection.

We first note that although page 4 of the Office Action indicates that all of the pending claims are rejected in light of the cited combination, only Claims 15, 18, 26-32, and 34 were addressed. No case was made for rejecting Claims 35-42 over Zampese and Bezos. We believe the reference to all claims was inadvertent error.

1. **No teaching or suggestion of wherein the second account identifier does not include the entire first account identifier and wherein the second account identifier is a single-use account identifier specific to a transaction**

Each of independent Claims 15 and 18 recites features of *wherein the second account identifier does not include the entire first account identifier and wherein the second account identifier is a single-use account identifier specific to a*

transaction. None combination of the cited references teaches or suggests any such combination of subject matter.

The Examiner acknowledges that Zampese does not teach or suggest a second account identifier that is for use in place of a first account identifier yet does not include the entire first account identifier, as recited in Claims 15 and 18. [Office Action, page 5].

The Examiner asserts: “However, Bezos teach or suggest a system wherein the second identifier does not include the entire first account identifier (see abstract, summary of the invention, column 6 lines 44-7 line 50).” [Office Action, page 5].

Bezos teaches sending only a subset of a credit card account number when placing an order over an unsecured computer network. The customer must then provide the complete credit card number. An order is finalized if the complete credit card data matches the corresponding portion initially sent.

Bezos clearly teaches that a complete credit card account number is required to finalize a transaction, and does not remotely suggest that the portion of the credit card number can be used to authorize any transaction. Also, neither the portion nor the complete credit card number discussed in Bezos are specific to a particular transaction. Accordingly, the proposed combination of subject matter would not provide for all of the features of any of independent Claims 15 and 18, which allow for authorization of second account identifiers that *do not include the entire first account identifier and are a single-use account identifier specific to a transaction*.

2. No evidence of a motivation to combine the asserted teachings

In addition, there is no suggestion, supported by evidence of record, to combine the asserted subject matter. As discussed above, Bezos clearly teaches that a complete credit card account number is required to finalize a transaction Bezos thus teaches away from the Examiner’s proposed combination and does not teach or suggest a second account identifier that could be authorized or for use in place of a first account identifier. The Examiner does not articulate an explanation of what the proposed modification to Zampese is exactly. Is the Examiner suggesting that it would be obvious to modify the Zampese system to accept only a portion of a “purchasers code” or “transaction code”? If so, it appears that the Examiner’s proposed modification must destroy the principle of operation of Zampese. The limited data would not suggest a second account identifier that could be authorized or for use in place of another account identifier. Accordingly, the evidence of record does not support the Examiner’s finding that there is a suggestion in the prior art to combine the cited subject matter in a manner that would provide for all of the features of any pending claim.

Accordingly, we submit that Claims 15 and 18 (and dependent claims 26-32 and 34) are allowable over an asserted combination of Zampese and Bezos.

3. Additional Comments

Our silence with respect to the Examiner's other various assertions not explicitly addressed in this paper, including assertions of what the cited reference(s) teach or suggest, what was known in the prior art, and the Examiner's interpretation of claimed subject matter, is not to be understood as agreement with the Examiner. We need not address the Examiner's other assertions at this time.

D. CONCLUSION

It is submitted that all of the claims are in condition for allowance. The Examiner's early re-examination and reconsideration are respectfully requested.

If the Examiner has any questions regarding this amendment or the present application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 461-7292 or via electronic mail at mdowns@walkerdigital.com.

Respectfully submitted,

October 24, 2006

Date

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